

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:

Charlita Andrews	:	Chapter 13
	:	
Debtor	:	No. 18-18430-pmm
	:	
	:	Attorney I.D. No. 40499

**MOTION FOR APPROVAL OF MODIFICATION OF CHAPTER 13 PLAN POST-
CONFIRMATION PURSUANT TO 11 U.S.C. 1329(a)(1)(2)(3)(4)**

And now the Debtor, Charlita Andrews, by and through her counsel, James W. Zerillo, Esquire, hereby brings the following Motion for Modification of a Chapter 13 Plan Post-confirmation pursuant to 11 U.S.C. 1329(a)(1)(2) and (4) and alleges in support the following:

1. The Debtor filed a Chapter 13 Petition on December 28, 2018.
2. The Debtor's plan was confirmed by the Court on September 24, 2019.
3. The Debtor's plan as confirmed proposed to pay New Rez, LLC regular monthly mortgage payments outside the plan and arrearages in the amount of \$17,109.55 through plan payments in the amount of \$634.67 per month for 60 months.
4. New Rez, LLC filed a Motion to Approve Loan Modification wherein all pre-petition arrearages were capitalized and which further indicated inter

alia that New Rez, LLC would amend their Proof of Claim to reduce their arrearage claim to zero. The Motion was approved by the court on October 15, 2020. The remaining pre-petition arrearages at the time of the courts approval of the Motion were \$13,901.71. The reduction of these arrearages will reduce the remaining base amount of the Plan to \$12,063.97 which will pay all unsecured claimants one hundred percent and a remaining arrearage due on a claim filed by AmeriCredit Financial Services secured by Debtor's vehicle.

5. Pursuant to 11 U.S.C. 1329, the Court may modify upon request of the Debtor to:

- (1) increase or reduce the amount of payments;
- (2) extend or reduce the time for such payments;
- or (in relevant part)

(4) (d)(1), For a plan confirmed prior to the date of enactment of this subsection, the plan may be modified upon the request of the Debtor if-

- (A) the Debtor is experiencing or has experienced a material financial hardship due, directly or indirectly, to the coronavirus disease 2019 (COVID-19) pandemic; and
- (B) the modification is approved after notice and a hearing.

6. In the instant matter, Debtor's Plan was confirmed prior to the enactment of the "CARES ACT" amendment to Section 1329 on March 27, 2020.

7. Debtor experienced a financial hardship related to COVID-19 when her department at her previous employer Johnson Matthey was eliminated in June of

this year as a result of a pandemic related financial downturn. Debtor was unemployed until September when she secured a position at Lockheed Martin.

8. A proposed Amended Chapter 13 Plan has been filed simultaneously with the Motion.
9. Debtor presently has a remaining plan term of 37 months. Pursuant to 1329 as herein referenced Debtor requests an extension of the term by 13 months to 50 months which is less than 7 years from the date of the filing of the plan.
10. The extension will allow the Debtor to successfully complete the plan and to pay all arrearages and one hundred percent to unsecured creditors.
11. A proposed amended plan has been filed simultaneously with this Motion.

WHEREFORE, the Debtor, Charlita Andrews, by and through her attorney, respectfully request that this Court approve the Debtor's post-confirmation amended Plan and such other relief as is just and proper.

Respectfully Submitted,

/s/ James W. Zerillo, Esquire
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